

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO: 04-11933-NMG

SPINIELLO COMPANIES,  
Plaintiff,

v.

BRICO INDUSTRIES, INC.  
Defendant.

**AFFIDAVIT OF ROBERT J.  
CARD, P.E.**

I, Robert J. Card, P.E., hereby depose and state as follows, upon personal knowledge:

1. At the time of the project that is the subject of this case, I was Vice President of Brico Industries, Inc. ("Brico").

2. Brico supplied Innerseals for the Massachusetts Water Resources Authority (MWRA) project for the rehabilitation of the Weston Aqueduct Supply mains 1 and 2, in Newton, Massachusetts ("Project").

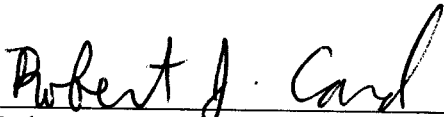
3. Attached hereto are true and accurate copies of letters from Spiniello to Brico, wherein Spiniello claimed that the Innerseals that Brico supplied for the Project were defective:

Exhibit 1: July 27, 2000 correspondence from Robert K. Block, P.E. of Spiniello to Richard [sic] J. Card, P.E. of Brico;

Exhibit 2: August 28, 2000 correspondence from Robert K. Block, P.E. of Spiniello to Robert J. Card, P.E. of Brico; and

Exhibit 3: September 11, 2000 correspondence from Jose Collazo of Spiniello to Robert J. Card, P.E. of Brico, with an attached Impact Proposal.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 29<sup>th</sup> DAY OF SEPTEMBER  
2006.

  
Robert J. Card, P.E.